

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION,)	
LABORERS WELFARE FUND, et al.)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:09CV00402AGF
)	
CENTRAL CONCRETE PAVING, INC.,)	
)	
Defendant.)	

ORDER FOR ACCOUNTING

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132. Defendant was served with the summons and complaint on March 18, 2009. On June 11, 2009, this Court advised Defendant that its pro-se answer was deficient, provided time to cure the deficiency, and advised Defendant that its answer would be stricken if the deficiency was not cured. Defendant did not cure the deficiency, and accordingly on July 7, 2009, the Court struck Defendant's answer from the record. Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, Plaintiffs have moved this Court for an order compelling Defendant to submit to a financial compliance examination so that Plaintiffs can determine the amounts allegedly owed. [Doc. #7].

Plaintiffs have established that Defendant is bound by a collective bargaining agreement with Laborers Local Union 42-53-110. This agreement requires Defendant to submit contributions to the Laborers Funds, and authorizes Plaintiffs to examine the financial records of

defendant to ascertain whether the required contributions were made. The only way in which Plaintiffs can determine the amount owed is through such financial compliance examination.

WHEREFORE, Defendant is hereby ordered to provide to Plaintiffs within thirty (30) days of the date of this Order all of its books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to Defendant's employees from April 1, 2007 to present.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

DATE: July 30, 2009